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SUBJECT: Human Rights Watch criticizes Kimia II

REF: Kinshasa 945

¶1. (SBU) Summary: Senior Human Rights Watch (HRW) researchers told Charge d'affaires that the impact of Kimia II on the civilian population is more brutal than MONUC reports indicate. HRW proposes a re-evaluation of Kimia II with pressure on both the GDRC and international community. Two of the "FARDC 5" may be imprisoned and one is apparently under surveillance. A prosecutor has requested \$70,000 to establish a military tribunal in the east. End summary.

Kimia II: more brutal than other FARDC campaigns

¶2. (SBU) On October 7, Charge and poloff met with Anneke Van Woudenberg, Senior Researcher-Africa Division, of Human Rights Watch (HRW). Also present was Julianne Kippenberg, Senior Researcher, Africa-Children's Rights Division. Van Woudenberg said the fallout from Kimia II is more abusive and brutal than other operations conducted by the FARDC. Although the operation is winding down, she "does not believe MONUC reports." The costs outweigh the benefits in her opinion. HRW, along with other NGOs, are working on a crude cost-benefit analysis of the operation. Van Woudenberg asserted that for each FDLR killed, captured, or repatriated, there is one civilian killed, 7 women and girls are raped, 6 houses burned, and 900 people displaced.

¶3. (SBU) In the Walikale area of North Kivu, she noted, the massacre of Rwandan Hutu refugees at Shalio by the FARDC, with subsequent retaliation by the FDLR, was an example of the continuing brutality. In late April/early May, 50 women and children were killed in the mountain top village of Shalio. The remaining villagers were told they would be marched to IDP camps but were killed along the way. The FDLR responded by attacking Busunguri village at the bottom of the mountain. There were reports of slashed throats and acts of SGBV.

HRW calls for re-evaluation of Kimia II

¶4. (SBU) Although it does not condemn or condone Kimia II, HRW believes the operation needs to be re-evaluated and reduced from a widespread attack to a targeted and multi-pronged approach emphasizing civilian protection. Van Woudenberg urged the international community to push the GDRC for accountability in prosecution of human rights abuses by any rank commanders. Supporting military reforms and advocating an end to child soldiering were also important steps the GDRC should take. MONUC should put more conditionality on its assistance. With \$6-7 million spent on food and fuel, HRW believes MONUC continues to squander possible leverage to push the FARDC to carry through a more effective and civilian-friendly operation.

¶5. (SBU) Van Woudenberg continued that HRW has suggested that the

GDRC implement a vetting process for senior commanders. International experience and pressure would be very important to create such a mechanism. But the challenge is political will. On several occasions, she said, the UN Security Council has urged that a vetting mechanism be adopted (UNSCR 1856). One proposal to gather information against commanders is to track abuses by unit.

¶16. (SBU) Van Woudenberg also cautiously suggested opening up contact with FDLR elements to ensure the repatriation message is getting through to the forces.

Update on "FARDC 5"

¶17. (SBU) In May, UNSC ambassadors presented President Kabila with a list of five FARDC commanders wanted for human rights abuses:

- Colonel Mosala, accused of violently raping a 14-year-old girl in May 2005;
- Colonel Safari, accused of raping a 28-year-old woman in May 2006 and persuading three other soldiers to also rape her;
- Major Pitchou, accused of rape, no other details;
- Lieutenant-Colonel Bebimobuli Engangela, a dissident Mai-Mai officer accused of several rapes between 2004 and 2006, was also held in detention for "insurrection" in March 2008; and
- Brigadier-General Jerome Kakwavu Bukande, accused of raping a 14-year-old girl in Ituri, and by March 2008 was stationed in Kinshasa.

¶18. (SBU) Van Woudenberg reported there are unconfirmed reports that two of the five are in prison. One is suspected to be Colonel

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Safari. In addition, Brigadier-General Jerome Kakwavu Bukande is currently under "monitored liberty." This is not house arrest, so the meaning is unclear. HRW is encouraging the USG to push the GDRC for clarity on this action (Note: In a subsequent meeting with charge d'affaires (reftel), presidential chief of staff Adolphe Lumanu Mulenda insisted that all five had been relieved of military duties. End note).

¶19. (SBU) The prosecutor has requested \$70,000 to bring a military high tribunal to Ituri province to try Kakwavu. Since he has not yet been arrested, there is a question of motive. Van Woudenberg speculates this could be to demonstrate to the local population that the GDRC is serious about enforcement. On the other hand it could be a farce for the international community.

Kabila statement on conflict situation

¶10. (SBU) Van Woudenberg noted that President Kabila apparently told a French delegation recently that "we (the DRC) are paying the price for Rwanda and the international community is forcing us to pay the price."

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